

produces no evidence that jurisdiction was obtained in compliance with the State of Georgia cession of concurrent jurisdiction.” *Id.* Petitioner seeks to have the Court “dismiss the criminal charges . . . and release him immediately.” *Id.* at 7.

On April 11, 2022, Petitioner entered a guilty plea in his underlying criminal case. ECF Nos. 62 and 63 in *United States v. Johnson*, 7:20-cv-9-HL-TQL (M.D. Ga. Apr. 11, 2022).¹ He pleaded guilty to being a convicted felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) and 924(e). *Id.* Petitioner has not been sentenced. He has, however, filed numerous motions since entering the plea, including a motion to withdraw his guilty plea. *Id.* at ECF No. 68.

Petitioner’s underlying criminal case is on-going. This 28 U.S.C. § 2241 petition is, therefore, premature. *Garcon v. Palm Beach Cnty. Sheriff’s Off.*, 291 F. App’x 225, 226 (11th Cir. 2008) (upholding district court’s dismissal of 28 U.S.C § 2241 petition as premature because claims would be “properly brought during his criminal case and subsequent direct appeal”); *Garey v. Fed. Pet. Ctr., Miami*, 180 F. App’x 118, 121 (11th Cir. 2006) (affirming district court’s dismissal of the petitioner’s § 2241 petition stating that “these claims were not properly brought pursuant to 18 U.S.C. § 2241, but should have been raised in his pending criminal case”). Petitioner may raise the issues he raises in the petition during his criminal case or in any subsequent appeal, should he choose to file one.

Accordingly, the petition is **DISMISSED** without prejudice as premature.

¹ The Court may take judicial notice of its own records. *McBride v. Sharpe*, 25 F.3d 962, 969 (11th Cir. 1994); *United States v. Rey*, 811 F.2d 1453, 1157 n.5 (11th Cir. 1987) (citation omitted); *Allen v. Newsome*, 795 F.2d 934, 938 (11th Cir. 1986).

SO ORDERED, this 5th day of July, 2022.

s/ Hugh Lawson

HUGH LAWSON, SENIOR JUDGE
UNITED STATES DISTRICT COURT